

**JAMAL L. SMITH, in his official capacity as
EXECUTIVE DIRECTOR of the
INDIANA CIVIL RIGHTS COMMISSION,**
Complainant,

v.

STALLARD & ASSOCIATES, INC.,
Respondent.

**NOTICE OF FINDING and
ISSUANCE OF CHARGE**

The Executive Director of the Indiana Civil Rights Commission ("Commission") pursuant to statutory authority and procedural regulations, hereby issues the following finding with respect to the above-referenced case. There is reasonable cause to believe an unlawful discriminatory housing practice has occurred. Therefore, the Executive Director issues this Charge of Discrimination per 910 IAC 2-6-6(b).

On June 6, 2011, [REDACTED] ("Complainant") filed a complaint with the Commission against Stallard & Associates, Inc. ("Respondent"), alleging unlawful discriminatory housing practices based on disability, in violation of the Indiana Fair Housing Act (IC 22-9-5.5 et. Seq.), the Indiana Civil Rights Law (IC 22-9 et. Seq.) [REDACTED]. The Commission therefore, has jurisdiction over the parties and the subject matter of this complaint.

A Commission investigation has been completed. All parties have been interviewed. Based on the final investigative report and a full review of the relevant files and records, the Executive Director now finds the following:

The issue before the Commission is whether Complainant was denied a reasonable accommodation for her disability. In order to prevail on such a claim, Complainant must prove the following: 1) she has an impairment that substantially limits a major life activity, 2) Complainant required and requested a reasonable accommodation so that she could enjoy the use of the property and 3) Respondent denied the requested accommodation without showing undue hardship.

Complainant and her son have impairments that substantially limit at least one major life activity. Complainant requested that she be allowed to install an outside pen for her three (3) service animals. Complainant provided Respondent a written statement from a health care professional that reads, "Paula Glover requires a portable pen for her service dogs, for the well-being of [REDACTED]. The pen needs to be next to the back door." The evidence indicates that the pen would help alleviate symptoms related to Complainant's anxiety and her son's autism. Respondent

reported it had no issue regarding Complainant's service animals; however, denied the request for the pen. Respondent reported the pen was denied primarily because of the negative effect on the aesthetics of the apartment community. Respondent apparently did not engage in the interactive process in order to identify an accommodation that could address the needs of both parties, but simply denied the request for a dog pen. Respondent subsequently attempted to evict Complainant because she would not remove the pen. Respondent has not shown that it would suffer an undue burden as the result of Complainant's requested accommodation. Reasonable cause therefore exists to believe that Respondent may have violated the Indiana Fair Housing Act. A hearing is necessary to establish whether, in fact, such violation has occurred.

As permitted by 910 IAC 2-6-6(h), any party to this complaint may elect to have the claims asserted in this charge decided in a state court, in lieu of an administrative proceeding under 910 IAC 2-7. Such an election must be made no later than twenty (20) days after service of this Notice of Finding and Charge. The notice of election must be filed with the Commission and served on the Executive Director, the Respondent and Complainant.

If such an election is not timely made, an administrative hearing of this matter will be held at a time and place determined by the Administrative Law Judge. Respondents shall have an opportunity to file an answer to this charge within thirty (30) days of service of this charge. [REDACTED] and any other person aggrieved by this alleged discriminatory practice may participate as a party in the administrative hearing by filing a request for intervention. All discovery in this matter must be completed fifteen (15) days prior to the date of hearing.

If at any time following service of this charge Respondents intend to enter into a contract, sale, encumbrance, or lease with any person regarding the property that is the subject of this charge, Respondents must provide a copy of this charge to the person prior to entering into such contract, sale, encumbrance or lease. 910 IAC 2-7-4(e)(3)

Date September 16, 2011

Jamal L Smith
Executive Director
Indiana Civil Rights Commission